

Message Text

CONFIDENTIAL

PAGE 01 BERN 02500 171655Z

44-L

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 L-03 /016 W

----- 070954

O 171635Z JUN 75

FM AMEMBASSY BERN

TO SECSTATE WASHDC IMMEDIATE 833

C O N F I D E N T I A L BERN 2500

E.O. 11652: GDS

TAGS: PFOR, CFED (CHICAGO KICKBACK INVESTIGATION) SZ

SUBJECT: JUDICIAL ASSISTANCE: CHICAGO KICKBACK INVESTIGATION

REF: A) BERN 2460; B) STATE 137709; C) STATE 122481;

D) BERN 2233

1. FDJP OFFICIAL DR. KURT MARKEES PROVIDED EMBOFF WITH RATIONALE FOR DECISION REPORTED REFTEL THAT NO, RPT NO, ASSISTANCE WOULD BE PROVIDED IN THIS CASE. DR. MARKEES OVERRULED LOWER LEVEL DECISION TO ASSIST REPRTE REF D BECAUSE OF CONCERN WITH "HIGHLY EXPLOSIVE NATURE" OF THIS INVESTIAGION WOULD RESULT IN UNWANTED PUBLICITY WHICH COULD ADVERSELY AFFECT PROSPECTS FOR RATIFICATION OF JUDICIAL ASSISTANCE TREATY. ALTHOUGH MARKEES MADE UNCONVINCING ALLEGATION THAT ALL FACTS PRESENTED WERE INADEQUATE FOR SWISS DETERMINATION OF "DOUBLE CRIMINALITY", EMBOFFS HERE ARE SATISFIED THAT ACTUAL REASON FOR REFUSAL WAS FEAR THAT ENSUING NOTORIETY INCLUDING UNUSUAL PARTICIPATION OF LUGANO BANK COULD HAVE REPERCUSSIONS THAT MARKEES IS COMMITTED TO DEFLECT AT THIS STAGE OF THE TREATY RATIFICATION PROCESS.

2. DR. MARKEES ASSURED EMBOFF THAT INFO PROVIDED TO EMBASSY IN THIS CASE WOULD REMAIN CONFIDENTIAL. HE STATED THAT INFO NEVER WENT BEYOND FEDERAL LEVEL.

3. COMMENT: IT IS INTERESTING TO NOTE THAT, ALTHOUGH DR. MARKEES IS NOT GENERALLY ACTION OFFICER ON USG REQUESTS FOR JUDICIAL ASSISTANCE, BOTH THE GENERAL CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BERN 02500 171655Z

REFRACTORIES AS WELL AS PRESENT CASE WERE REFERRED TO

HIM FOR DECISION. IT IS APPARENT THAT ALL SERVICES
WITHIN THE FDJP HAVE BEEN ALERTED TO TENUOUS STATUS
OF JAT RATIFICATION AND THE SENSITIVITY ATTACHED TO
QUESTIONABLE BORDERLINE REQUESTS FOR ASSISTANCE. UNTIL
ALL ASPECTS OF THE SWISS RATIFICATION OF THE TREATY
ARE COMPLETED, WE CAN EXPECT THE FDJP TO ACT VERY CON-
SERVATIVELY IN CONSIDERING REQUESTS FOR JUDICIAL ASSIS-
TANCE FROM THE USG. PLEASE ASSURE JOHN KEENEY THAT
THE EMBASSY APPRECIATED THE IMPORTANCE THAT DEPT. OF
JUSTICE ATTACHED TO THIS CASE AND THAT WE PRESENTED
ALL VALID ARGUMENTS TO CONVINCE FDJP TO COOPERATE.
HOWEVER, IT IS OBVIOUS THAT THE REVERSAL AT THE MARKEES
LEVEL WAS DUE TO POLITICAL CONSIDERATION THAT WE COULD
NOT OVERCOME.
DOMINICK

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BRIBERY, POLICE INVESTIGATIONS, INTERGOVERNMENTAL COOPERATION, BANKS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BERN02500
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750211-0031
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750640/aaaabjza.tel
Line Count: 76
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 BERN 2460, 75 STATE 137709, 75 STATE 122481
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 18 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 JUN 2003 by BoyleJA>; APPROVED <12 NOV 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: JUDICIAL ASSISTANCE: CHICAGO KICKBACK INVESTIGATION
TAGS: PFOR, CFED, SZ, US, (MARKEES, KURT)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006